

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

**PEN AMERICAN CENTER, INC.,
et al.,**

Plaintiffs,

v.

Case No. 3:23cv10385-TKW-ZCB

**ESCAMBIA COUNTY SCHOOL
BOARD,**

Defendant.

**ORDER DENYING MOTIONS TO QUASH SUBPOENAS AND FOR PROTECTIVE
ORDERS**

This is the second time the Court has considered whether the “legislative privilege” protects the school board members from being deposed about their decisions to remove certain books from school libraries. The first time, the issue was raised in a motion filed by Defendant on behalf of the board members. *See* Doc. 107. This time, the issue is raised in motions filed by the board members themselves. *See* Docs. 210, 212, 213, 214, 215.

Plaintiffs argue that the board members’ motions are procedurally barred and/or should not be considered for various reasons, *see* Doc. 225 at 8-16, but the Court finds those arguments unpersuasive for the reasons preemptively raised in the board members’ motions. On the merits, the Court finds the board members’

arguments no more persuasive than the identical arguments that Defendant previously made on their behalf.

Accordingly, it is **ORDERED** that:

1. The board members' motions quash subpoenas and for protective orders (Docs. 210, 212, 213, 214, 215) are **DENIED** on the merits for the reasons stated in the amended order denying Defendant's motion for protective order. *See* Doc. 155 at 5-7.

2. The board members' depositions are stayed for 14 days to afford them an opportunity to appeal, and if an appeal is filed, the stay will remain in effect until the appellate mandate is issued.

DONE and ORDERED this 8th day of September, 2025.

A handwritten signature in blue ink, appearing to read 'T. Kent Wetherell, II', with a stylized flourish at the end.

T. KENT WETHERELL, II
UNITED STATES DISTRICT JUDGE